

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD T. KENNEDY,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
COMMISSIONER DEPARTMENT OF	:	NO. 18-257
THE TREASURY INTERNAL	:	
REVENUE SERVICE, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 30th day of January, 2018, upon consideration of Mr. Kennedy's motion to proceed *in forma pauperis* and *pro se* Complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Mr. Kennedy's claims against Equifax, Inc. and Richard F. Smith are DISMISSED, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), because they duplicate claims raised against those Defendants in another lawsuit that Mr. Kennedy filed two days prior to the instant lawsuit, *Kennedy v. Equifax, Inc.*, E.D. Pa. Civ. A. No. 18-214. *See Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc) (a plaintiff has "no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant"); *Brodzki v. CBS Sports*, Civ. A. No. 11-841, 2012 WL 125281, at *1 (D. Del. Jan. 13, 2012) ("[A] district court may dismiss a complaint as malicious if it is plainly abusive of the judicial process or merely repeats pending or previously litigated claims."). The dismissal of those claims is without prejudice to Mr. Kennedy proceeding in Civil Action Number 18-214.
3. Service shall be made upon the John Doe Defendant if and when Mr. Kennedy provides sufficient identifying information to allow for service.

4. The Clerk of Court shall file the Complaint and issue summonses.
5. The United States Marshal for the Eastern District of Pennsylvania shall serve the summonses and the Complaint upon the remaining Defendant at no cost to Mr. Kennedy in accordance with Federal Rule of Civil Procedure 4(i).

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge